

GENERAL ORDINANCE NO. ~~G-01-77~~ *Part*

AN ORDINANCE TO AMEND GENERAL ORDINANCE
NO. 2726, SECTION I (Sec. 17-6; Sec. 17-8;
Sec. 17-10; Sec. 17-11; Sec. 17-13 of the Code of
The City of Fort Wayne, Indiana of 1974)

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, That the following amendments are made to General Ordinance No. 2726, Section I, the same being codified as Section 17-6, Section 17-8, Section 17-10, Section 17-11, and Section 17-13 of The Code of The City of Fort Wayne, Indiana of 1974, and from and after the enactment of this Ordinance said Sections shall read as follows:

Sec. 17-6. Penalties.

There is hereby established a penalty for violations of the following provisions of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974;

Section 102 through 107: If the violator appears in response to a notice affixed to such motor vehicle within a period of 10 days from the date and time shown on said notice affixed to such motor vehicle, the penalty shall be \$10.00. If the violator fails to appear in response to a notice affixed to such motor vehicle within 10 days from the date and time shown on said notice affixed to such motor vehicle the penalty shall be \$15.00;

Section 87 and 90: If the violator appears in response to a notice affixed to such motor vehicle within a period of 10 days from the date and time shown on said notice affixed to such motor vehicle, the penalty shall be \$10.00. If the violator fails to appear in response to a notice affixed to such motor vehicle within 10 days from the date and time shown on said notice affixed to such motor vehicle the penalty shall be \$15.00.

Section 84,86, 91, and 92: If the violator appears in response to a notice affixed to such motor vehicle within a period of 10 days from the date and time shown on said notice affixed to such motor vehicle, the penalty shall be \$10.00. If the violator fails to appear in response to a notice affixed to such motor vehicle within 10 days from the date and time shown on said notice affixed to such motor vehicle the penalty shall be \$15.00;

Section 81 (15): If the violator appears in response to a notice affixed to such motor vehicle within a period of 10 days from the date and time shown on said notice affixed to such motor vehicle, the penalty shall be \$10.00. If the violator fails to

Bill No. G-76-11-29 was amended in Committee Session --
January 11, 1977

appear in response to a notice affixed to such motor vehicle within 10 days from the date and time shown on said notice affixed to such motor vehicle the penalty shall be \$15.00;

Section 81, 82, and 83: If the violator appears in response to a notice affixed to such motor vehicle within a period of 10 days from the date and time shown on said notice affixed to such motor vehicle, the penalty shall be \$10.00. If the violator fails to appear in response to a notice affixed to such motor vehicle within 10 days from the date and time shown on said notice affixed to such motor vehicle the penalty shall be \$15.00.

Section 76: If the violator appears in response to a notice affixed to such motor vehicle within a period of 10 days from the date and time shown on said notice affixed to such motor vehicle, the penalty shall be \$10.00. If the violator fails to appear in response to a notice affixed to such motor vehicle within 10 days from the date and time shown on said notice affixed to such motor vehicle the penalty shall be \$15.00;

Section 93: If the violator appears in response to a notice affixed to such motor vehicle within a period of 10 days from the date and time shown on said notice affixed to such motor vehicle, the penalty shall be \$2.00. If the violator fails to appear in response to a notice affixed to such motor vehicle within 10 days from the date and time shown on said notice affixed to such motor vehicle the penalty shall be \$7.00;

Section 100: If the violator appears in response to a notice affixed to such motor vehicle within a period of 10 days from the date and time shown on said notice affixed to such motor vehicle, the penalty shall be \$2.00. If the violator fails to appear in response to a notice affixed to such motor vehicle within 10 days from the date and time shown on said notice affixed to such motor vehicle the penalty shall be \$7.00;

Section 100(c): If the violator appears in response to a notice affixed to such motor vehicle within a period of 10 days from the date and time shown on said notice affixed to such motor vehicle, the penalty shall be \$2.00. If the violator fails to appear in response to a notice affixed to such motor vehicle within 10 days from the date and time shown on said notice affixed to such motor vehicle the penalty shall be \$7.00;

Unless another penalty is expressly provided by law, every person convicted of a violation of any provision of this chapter shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than ten days, or by both such fine and imprisonment.

Sec. 17-8. Procedure upon arrest.

Any police officer, upon making an arrest for violation of this chapter or other traffic ordinances of this city, other than Parking Violations, shall take the name, address and operator's license number of the alleged violator and the registered number of the motor vehicle involved, shall issue to him in writing, on the form provided by the City Clerk, pursuant to section 17-7, a notice to answer to the charge against him at a place and at a time within ten days after such arrest to be specified in the notice and forthwith release the person arrested from custody. The officer shall send one copy of such notice to the captain of the traffic division and one copy to the Fort Wayne Violations Bureau.

Sec. 17-10. Notice on illegally parked vehicles.

Whenever any motor vehicle without driver is found parked standing or stopped in violation of any of the restrictions imposed by this chapter or other ordinance of this city, the officer finding such vehicle shall take its license plate number and may take any other information displayed on the vehicle which may identify its owner, and shall conspicuously affix to such vehicle a notice in writing, on the form provided by the City Clerk pursuant to section 17-7, for the driver to answer to the charge against him within ten (10) days. The officer shall send or cause to be sent forthwith to the Fort Wayne Violations Bureau copies of the notice.

Sec. 17-11. Failure to comply with notice attached to parked vehicle.

If a violator of the restrictions on stopping, standing or parking under this chapter or other traffic laws or ordinances does not appear in response to a notice affixed to such motor vehicle within a period of ten (10) days the Fort Wayne Violations Bureau shall send to the owner of the motor vehicle to which the notice was affixed a letter informing him that a past due penalty has been assessed as set forth on said notice and warning him that in the event such violator continues to disregard the notice, a complaint will be filed and warrant for arrest issued. The sending of such letter shall not be deemed jurisdictional.

Sec. 17-13. When complaint to be issued.

In the event any person fails to comply with a notice given to such person or attached to a vehicle pursuant to sections 17-8 or 17-10, respectively, or fails to make appearance pursuant to a summons directing an appearance in the Fort Wayne Violations Bureau, the City Clerk shall forthwith have a complaint entered against such person and secure and issue a warrant for his arrest.

SECTION II Except as herein amended General Ordinance No. 2726 shall remain in full force and effect.

SECTION III. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

John Nuckols
Councilman

Read the first time in full and on motion by _____, seconded by _____, and duly adopted, read the second time by title and referred to the Committee on _____ (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the day of _____, 1976, at _____ o'clock P.M., E.S.T.

DATE: _____

CITY CLERK

Read the third time in full and on motion by V. Schmidt, seconded by Hinga - _____, and duly adopted, placed on its passage.

PASSED (LOST) by the following vote: -

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	<u>4</u>	<u>5</u>			
BURNS	<u>✓</u>				
HINGA		<u>✓</u>			
HUNTER		<u>✓</u>			
MOSES		<u>✓</u>			
NUCKOLS		<u>✓</u>			
SCHMIDT, D.	<u>✓</u>				
SCHMIDT, V.	<u>✓</u>				
STIER	<u>✓</u>				
TALARICO		<u>✓</u>			

DATE: 1-25-77

Charles W. Westerman
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION)

ORDINANCE (RESOLUTION) No. _____ on the _____ day of _____, 1976.

ATTEST:

(SEAL)

Charles W. Westerman
CITY CLERK

Charles W. Westerman
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 1976, at the hour of _____ o'clock _____ M., E.S.T.

CITY CLERK

Approved and signed by me this _____ day of _____, 1976, at the hour of _____ o'clock _____ M., E.S.T.

MAYOR

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3 BILL NO. G-76-11- 29 (as amended)

4 GENERAL ORDINANCE NO. G 01-77

5 AN ORDINANCE TO AMEND GENERAL ORDINANCE
6 NO. 2726, SECTION I (Sec. 17-6; Sec.
7 17-8; Sec. 17-10; Sec. 17-11; Sec.
8 17-13 of The Code Of The City of Fort
Wayne, Indiana of 1974)

9 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
10 FORT WAYNE, INDIANA, That the following amendments are made
11 to General Ordinance No. 2726, Section I, the same being
12 codified as Section 17-6, Section 17-8, Section 17-10, Section
13 17-11, and Section 17-13 of The Code of The City of Fort
14 Wayne, Indiana of 1974, and from and after the enactment of
this Ordinance said Sections shall read as follows:

15 Sec. 17-6. Penalties.

16 There is hereby established a penalty for
17 violation of the following provisions of
18 Chapter 17 of The Code of the City of Fort
Wayne, Indiana of 1974:

19 Section 102 through 107: If the violator
20 appears in response to a notice affixed to
such motor vehicle within a period of 48 hours
21 from the date and time shown on said notice
affixed to such motor vehicle, the penalty
22 shall be \$10.00. If the violator fails to appear in
response to a notice affixed to such motor
23 vehicle within 48 hours from the date and time
shown on said notice affixed to such motor
vehicle the penalty shall be \$20.00;

24 Section 87 and 90: If the violator
25 appears in response to a notice affixed to
such motor vehicle within a period of 48 hours
26 from the date and time shown on said notice
affixed to such motor vehicle, the penalty
27 shall be \$10.00. If the violator fails to ap-
pear in response to a notice affixed to such
28 motor vehicle within 48 hours from the date
and time shown on said notice affixed to such
29 motor vehicle the penalty shall be \$20.00;

30 Section 84, 86, 91, and 92: If the vio-
lator appears in response to a notice affixed
31 to such motor vehicle within a period of 48
hours from the date and time shown on said
32 notice affixed to such motor vehicle, the
penalty shall be \$10.00. If the violator
33 fails to appear in response to a notice affixed
to such motor vehicle within 48 hours from the
34 date and time shown on said notice affixed to
such motor vehicle the penalty shall be \$20.00;

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3 Section 81 (15): If the violator appears
4 in response to a notice affixed to such motor
5 vehicle within a period of 48 hours from the
6 date and time shown on said notice affixed to
7 such motor vehicle, the penalty shall be \$10.00.
8 If the violator fails to appear in response
9 to a notice affixed to such motor vehicle
10 within 48 hours from the date and time shown
11 on said notice affixed to such motor vehicle
12 the penalty shall be \$20.00;

13 Section 81, 82, and 83: If the violator
14 appears in response to a notice affixed to
15 such motor vehicle within a period of 48
16 hours from the date and time shown on said
17 notice affixed to such motor vehicle, the
18 penalty shall be \$10.00. If the violator
19 fails to appear in response to a notice affixed
20 to such motor vehicle within 48 hours from the
21 date and time shown on said notice affixed to
22 such motor vehicle the penalty shall be \$20.00;

23 Section 76: If the violator appears in
24 response to a notice affixed to such motor
25 vehicle within a period of 48 hours from the
26 date and time shown on said notice affixed
27 to such motor vehicle, the penalty shall be
28 \$10.00. If the violator fails to appear in
29 response to a notice affixed to such motor
30 vehicle within 48 hours from the date and time
31 shown on said notice affixed to such motor
32 vehicle the penalty shall be \$20.00;

33 Section 93: If the violator appears in
34 response to a notice affixed to such motor
35 vehicle within a period of 48 hours from the
date and time shown on said notice affixed
to such motor vehicle, the penalty shall be
\$2.00. If the violator fails to appear in
response to a notice affixed to such motor
vehicle within 48 hours from the date and time
shown on said notice affixed to such motor
vehicle the penalty shall be \$4.00;

25 Section 100: If the violator appears
26 in response to a notice affixed to such motor
27 vehicle within a period of 48 hours from the
28 date and time shown on said notice affixed
29 to such motor vehicle, the penalty shall be
30 \$2.00. If the violator fails to appear in
31 response to a notice affixed to such motor
32 vehicle within 48 hours from the date and time
33 shown on said notice affixed to such motor
34 vehicle the penalty shall be \$4.00;

35 Section 100(c): If the violator appears
in response to a notice affixed to such motor
vehicle within a period of 48 hours from the
date and time shown on said notice affixed
to such motor vehicle, the penalty shall be
\$2.00. If the violator fails to appear in
response to a notice affixed to such motor
vehicle within 48 hours from the date and time
shown on said notice affixed to such motor
vehicle the penalty shall be \$4.00;

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3 Unless another penalty is expressly provided
4 by law, every person convicted of a viola-
5 tion of any provision of this chapter shall
6 be punished by a fine of not more than one
7 hundred dollars or by imprisonment for
8 not more than ten days, or by both such fine
9 and imprisonment.

10 Sec. 17-8. Procedure upon arrest.

11 Any police officer, upon making an arrest
12 for violation of this chapter or other traffic
13 ordinances of this city, other than Parking
14 Violations, shall take the name, address and
15 operator's license number of the alleged
16 violator and the registered number of the motor
17 vehicle involved, shall issue to him in writ-
18 ing, on the form provided by the city clerk,
19 pursuant to section 17-7, a notice to answer
20 to the charge against him at a place and at a
21 time within five days after such arrest to be
22 specified in the notice and forthwith release
23 the person arrested from custody. The officer
24 shall send one copy of such notice to the
25 captain of the traffic division and one copy
26 to the Fort Wayne Violations Bureau.

27 Sec. 17-10. Notice on illegally parked vehicles.

28 Whenever any motor vehicle without driver is
29 found parked standing or stopped in violation
30 of any of the restrictions imposed by this
31 chapter or other ordinance of this city, the
32 officer finding such vehicle shall take its
33 license plate number and may take any other
34 information displayed on the vehicle which
35 may identify its owner, and shall conspicu-
ously affix to such vehicle a notice in writing,
on the form provided by the city clerk
pursuant to section 17-7, for the driver to
answer to the charge against him within forty-
eight hours. The officer shall send or cause
to be sent forthwith to the Fort Wayne Violations
Bureau copies of the notice.

36 Sec. 17-11. Failure to comply with notice
37 attached to parked vehicle.

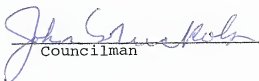
38 If a violator of the restrictions on stopping,
39 standing or parking under this chapter or
40 other traffic laws or ordinances does not appear
41 in response to a notice affixed to such motor
42 vehicle within a period of forty-eight hours,
43 the Fort Wayne Violations Bureau shall send
44 to the owner of the motor vehicle to which
45 the notice was affixed a letter informing him
that a past due penalty has been assessed as
set forth on said notice and warning him that
in the event such violator continues to disre-
gard the notice, a complaint will be filed and
warrant for arrest issued. The sending of
such letter shall not be deemed jurisdictional.

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3 Sec. 17-13. When complaint to be issued.

4 In the event any person fails to comply with
5 a notice given to such person or attached to
6 a vehicle pursuant to sections 17-8 or 17-10,
7 respectively, or fails to make appearance pur-
8 suant to a summons directing an appearance
9 in the Fort Wayne Violations Bureau, the city
10 clerk shall forthwith have a complaint entered
11 against such person and secure and issue a
12 warrant for his arrest.

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14 SECTION II. Except as herein amended General
15 Ordinance No. 2726 shall remain in full force and
16 effect.

17 SECTION III. This ordinance shall be in full force
18 and effect from and after its passage, approval by the
19 Mayor and legal publication thereof.

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Councilman

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Read the first time in full and on motion by Nuckols, seconded by Talarico, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the day of _____, 1976, at _____ o'clock P.M., E.S.T.

DATE: 11-23-76

Charles W. Altstetterman
CITY CLERK

Read the third time in full and on motion by V. Schmidt, seconded by Hunter, and duly adopted, placed on its passage.

PASSED (~~LEFT~~) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	<u>9</u>	<u>0</u>			
BURNS	✓				
HINGA	✓				
HUNTER	✓				
MOSES	✓				
NUCKOLS	✓				
SCHMIDT, D.	✓				
SCHMIDT, V.	✓				
STIER	✓				
TALARICO	✓				

DATE: 1-11-77

Charles W. Altstetterman
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (~~SPECIAL~~) (~~APPROPRIATION~~)

ORDINANCE (~~RESOLUTION~~) No. D-01-77 on the 11th day of Jan, 1977.
ATTEST: (SEAL)

Charles W. Altstetterman
CITY CLERK

John Nuckols
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of January, 1977, at the hour of 12:30 o'clock P.M., E.S.T.

Charles W. Altstetterman
CITY CLERK

Approved and signed by me this _____ day of _____, 1976, at the hour of _____ o'clock _____ M., E.S.T.

Vetted by Mayor
MAYOR
1-18-77

Hold
Just Hold
Just.

Bill No. G-76-11-29

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance

To AMEND GENERAL ORDINANCE NO. 2726, SECTION I (Sec. 17-6; Sec. 17-8;

Sec. 17-10; Sec. 17-11; Sec. 17-17-13 of the Code of the City of Fort

Wayne, Indiana of 1974)

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance PASS.

John Nuckols - Chairman

Paul M. Burns - Vice-Chairman

Vivian G. Schmidt

Winfield C. Moses, Jr.

Donald J. Schmidt

Bill No. G-76-11-29

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance

TO AMEND GENERAL ORDINANCE NO. 2726, SECTION 1 (Sec. 17-6; Sec.

17-8; Sec. 17-10; Sec. 17-11; Sec. 17-13 of The Code Of The City Of

Fort Wayne, Indiana of 1974)

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance as PASS. *as amended*

VIVIAN G. SCHMIDT - CHAIRMAN

WINFIELD C. MOSES, JR. - VICE CHAIRMAN

WILLIAM T. HINGA

DONALD SCHMIDT

SAMUEL J. TALARICO

Vivian G. Schmidt

W. Schmidt

Samuel J. Talarico

DATE 1-11-77 CONCURRED IN
CHARLES W. WESTERMAN, CITY CLERK

2
3 BILL NO. G-76-11- 29 (60 days)

4 GENERAL ORDINANCE NO. G 01-77

5 AN ORDINANCE TO AMEND GENERAL ORDINANCE
6 NO. 2726, SECTION I (Sec. 17-6; Sec.
7 17-8; Sec. 17-10; Sec. 17-11; Sec.
8 17-13 of The Code Of The City of Fort
9 Wayne, Indiana of 1974)

10 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
11 FORT WAYNE, INDIANA, That the following amendments are made
12 to General Ordinance No. 2726, Section I, the same being
13 codified as Section 17-6, Section 17-8, Section 17-10, Section
14 17-11, and Section 17-13 of The Code of The City of Fort
15 Wayne, Indiana of 1974, and from and after the enactment of
16 this Ordinance said Sections shall read as follows:

17 Sec. 17-6. Penalties.

18 There is hereby established a penalty for
19 violation of the following provisions of
20 Chapter 17 of The Code of the City of Fort
21 Wayne, Indiana of 1974:

22 Section 102 through 107: If the violator
23 appears in response to a notice affixed to
24 such motor vehicle within a period of ~~48 hours~~ ^{10 days}
25 from the date and time shown on said notice
26 affixed to such motor vehicle, the penalty
27 shall be ~~\$10.00~~. If the violator fails to appear in
28 response to a notice affixed to such motor
29 vehicle within ~~48 hours~~ from the date and time
30 shown on said notice affixed to such motor
31 vehicle the penalty shall be ~~\$20.00~~
32 ^{\$15.00}

33 Section 87 and 90: If the violator
34 appears in response to a notice affixed to
35 such motor vehicle within a period of ~~48 hours~~
36 from the date and time shown on said notice
37 affixed to such motor vehicle, the penalty
38 shall be \$10.00. If the violator fails to ap-
39 pear in response to a notice affixed to such
40 motor vehicle within ~~48 hours~~ from the date
41 and time shown on said notice affixed to such
42 motor vehicle the penalty shall be ~~\$20.00~~
43 ^{\$15.00}

44 Section 84, 86, 91, and 92: If the vio-
45 lator appears in response to a notice affixed
46 to such motor vehicle within a period of ~~48~~ ^{10 days}
47 hours from the date and time shown on said
48 notice affixed to such motor vehicle, the
49 penalty shall be \$10.00. If the violator
50 fails to appear in response to a notice affixed
51 to such motor vehicle within ~~48 hours~~ from the
52 date and time shown on said notice affixed to
53 such motor vehicle the penalty shall be ~~\$20.00~~
54 ^{\$15.00}

2
3 Section 81 (15): If the violator appears
4 in response to a notice affixed to such motor
5 vehicle within a period of ~~48 hours~~ from the
6 date and time shown on said notice affixed to
7 such motor vehicle, the penalty shall be \$10.00.
8 If the violator fails to appear in response
9 to a notice affixed to such motor vehicle
10 within ~~48 hours~~ from the date and time shown
11 on said notice affixed to such motor vehicle
12 the penalty shall be ~~\$20.00~~;
13 *\$15.00*

14 Section 81, 82, and 83: If the violator
15 appears in response to a notice affixed to
16 such motor vehicle within a period of ~~48~~ *10 days*
17 ~~hours~~ from the date and time shown on said
18 notice affixed to such motor vehicle, the
19 penalty shall be \$10.00. If the violator
20 fails to appear in response to a notice affixed
21 to such motor vehicle within ~~48 hours~~ from the
22 date and time shown on said notice affixed to
23 such motor vehicle the penalty shall be ~~\$20.00~~;
24 *\$15.00*

25 Section 76: If the violator appears in
26 response to a notice affixed to such motor
27 vehicle within a period of ~~48 hours~~ from the
28 date and time shown on said notice affixed
29 to such motor vehicle, the penalty shall be
30 \$10.00. If the violator fails to appear in
31 response to a notice affixed to such motor
32 vehicle within ~~48 hours~~ from the date and time
33 shown on said notice affixed to such motor
34 vehicle the penalty shall be ~~\$20.00~~;
35 *\$15.00*

Section 93: If the violator appears in
response to a notice affixed to such motor
vehicle within a period of ~~48 hours~~ from the
date and time shown on said notice affixed
to such motor vehicle, the penalty shall be
\$2.00. If the violator fails to appear in
response to a notice affixed to such motor
vehicle within ~~48 hours~~ from the date and time
shown on said notice affixed to such motor
vehicle the penalty shall be ~~\$4.00~~;
\$7.00

Section 100: If the violator appears
in response to a notice affixed to such motor
vehicle within a period of ~~48 hours~~ from the
date and time shown on said notice affixed
to such motor vehicle, the penalty shall be
\$2.00. If the violator fails to appear in
response to a notice affixed to such motor
vehicle within ~~48 hours~~ from the date and time
shown on said notice affixed to such motor
vehicle the penalty shall be ~~\$4.00~~;
\$7.00

Section 100(c): If the violator appears
in response to a notice affixed to such motor
vehicle within a period of ~~48 hours~~ from the
date and time shown on said notice affixed
to such motor vehicle, the penalty shall be
\$2.00. If the violator fails to appear in
response to a notice affixed to such motor
vehicle within ~~48 hours~~ from the date and time
shown on said notice affixed to such motor
vehicle the penalty shall be ~~\$4.00~~;
\$7.00

Unless another penalty is expressly provided by law, every person convicted of a violation of any provision of this chapter shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than ten days, or by both such fine and imprisonment.

Sec. 17-8. Procedure upon arrest.

Any police officer, upon making an arrest for violation of this chapter or other traffic ordinances of this city, other than Parking Violations, shall take the name, address and operator's license number of the alleged violator and the registered number of the motor vehicle involved, shall issue to him in writing, on the form provided by the city clerk, pursuant to section 17-7, a notice to answer to the charge against him at a place and at a time within five days after such arrest to be specified in the notice and forthwith release the person arrested from custody. The officer shall send one copy of such notice to the captain of the traffic division and one copy to the Fort Wayne Violations Bureau.

Sec. 17-10. Notice on illegally parked vehicles.

Whenever any motor vehicle without driver is found parked standing or stopped in violation of any of the restrictions imposed by this chapter or other ordinance of this city, the officer finding such vehicle shall take its license plate number and may take any other information displayed on the vehicle which may identify its owner, and shall conspicuously affix to such vehicle a notice in writing, on the form provided by the city clerk pursuant to section 17-7, for the driver to answer to the charge against him within ~~forty eight hours~~ ^{ten (10) days}. The officer shall send or cause to be sent forthwith to the Fort Wayne Violations Bureau copies of the notice.

Sec. 17-11. Failure to comply with notice attached to parked vehicle.

If a violator of the restrictions on stopping, standing or parking under this chapter or other traffic laws or ordinances does not appear in response to a notice affixed to such motor vehicle within a period of ~~forty eight hours~~, the Fort Wayne Violations Bureau shall send to the owner of the motor vehicle to which the notice was affixed a letter informing him that a past due penalty has been assessed as set forth on said notice and warning him that in the event such violator continues to disregard the notice, a complaint will be filed and warrant for arrest issued. The sending of such letter shall not be deemed jurisdictional.

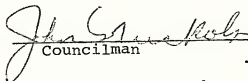
2 Sec. 17-13. When complaint to be issued.
3

4 In the event any person fails to comply with
5 a notice given to such person or attached to
6 a vehicle pursuant to sections 17-8 or 17-10,
7 respectively, or fails to make appearance pur-
8 suant to a summons directing an appearance
9 in the Fort Wayne Violations Bureau, the city
10 clerk shall forthwith have a complaint entered
11 against such person and secure and issue a
12 warrant for his arrest.

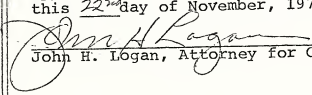
13 SECTION II. Except as herein amended General
14 Ordinance No. 2726 shall remain in full force and
15 effect.

16 SECTION III. This ordinance shall be in full force
17 and effect from and after its passage, approval by the
18 Mayor and legal publication thereof.

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Councilman

Approved as to form and legality
this 22nd day of November, 1976


John H. Logan, Attorney for Common Council.



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

room 122

charles w. westerman, clerk

SUMMARY REPORT

for proposed parking violations ordinances

As has been previously discussed, the two major reasons for the introduction of the proposed parking violations ordinances are as follows:

1) To comply with provisions of the Motor Vehicle & Traffic Safety section of the Fort Wayne Municipal Code, the section having been modified with the recent recodification;

2) And, to institute the use of a modernized parking ticket/self-addressed envelope in order that parking law violators are able to pay fines more conveniently, a service to the citizen, but with the hope for more rapid payment of fines as well.

Additionally, the proposed ordinance provides for a past due clause in which a penalty is assessed against any violator not paying his or her fine within the time presently required by law, or 48 hours.

The proposed penalty will expedite the payment of any fines, and reduce the need for the Clerk's Office to issue subsequent reminders of non-payment, or take more drastic action.

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Currently, an average of 153 parking tickets (105 for over-time parking meter violations and 48 for other illegal parking) are issued each working day in Fort Wayne (weekends averaged in). An average of 18 parking tickets are daily paid when due, or, approximately 12 per cent of all parking tickets issued are paid on time.

The remainder, 88 per cent of all tickets issued, require additional mailings to violators to remind them of their violation and to insist on payment of the fine. Of these violators requiring additional notification, only about 80 per cent are mailed reminders, with the Clerk's Office sending out an average of 110 reminders daily. (The fact that all violators requiring reminders do not receive them is accounted for by insufficient staff during most of the year. Usually in the summertime, staff is sufficient to send notices to all delinquent violators.)

Up to three additional notices will be mailed to delinquent violators, the final one advising that Court remedies will be sought should payment not be forthcoming. Actual policy of the Clerk's Office, however, is to refrain from initiating Court action unless at least \$30 in back fines are owed. In practice, only 35 cases have been taken to Court in the past 16 months, but no alleged violator has been found innocent to date. Despite this, and collection of several hundred dollars, the costs of Court prosecution to the City and the Court prohibits more utilization of this avenue for collecting fines.

The present system of fine collection allows no readily available method for computing lapse time for tickets paid up after the permitted 48 hour period in which to pay. A comparison of two

identical six-month periods, one prior to the establishment of the present rates (\$2 for parking meter violations and \$10 for other violations) and the period subsequent to the former rates (which were \$1 and \$5 respectively) shows little change in the ratio of numbers of fines collected to numbers of tickets issued between the periods and between higher fines or lower fines. The figures show that the same percentage of \$10 tickets now is being collected as were \$5 tickets in years past, and a slightly higher percentage of \$2 tickets are being collected than was collected for \$1 tickets in past years (probably due to more concerted mailing efforts by the Clerk's staff).

The following table shows a direct comparison between percentages of tickets paid on time before and after the fine increase of November, 1973.

Percentage of tickets paid <u>on time</u> :	Year 1973	Year 1976
parking meter violations (\$1 versus \$2 fines)	22.55 %	10.87 %
illegal parking (\$5 versus \$10 fines)	26.37 %	22.30 %

The difference between the collection rates for \$5 and \$10 fines (illegal parking) in 1973 and 1976 is not statistically significant, although the difference between collection rates for the lower fine is.

It seems evident, at any rate, that appreciable increases in fines do not deter violators from paying promptly.

The use of a combination parking ticket/envelope alone is geared toward increasing the speed of payment for all tickets, meter violations and illegal parking.

The effect of some past due clause should at the least provide a changed distribution in revenues for the Clerk's Office, shifting the burden from the taxpaying public to those of the public violating parking laws. At most, it should expedite collection of parking fines.

A number of cities, mainly in Indiana, but including others in the Midwest, were queried with regard to the status of parking ordinances, and none were found to be without a past due clause of some type in force. As well, no adverse reaction was found among those responsible for collecting fines in these various Clerks' offices regarding the consequences of past due clauses.

Several options are available regarding past due clauses, however, it is important to note that new tickets have not been ordered printed pending any possible changes, and the existing supply is very nearly exhausted. Also important to note is that the extension of time in order to use up the existing tickets which was allowed by Council via ordinance will be expiring, and the proposed ordinances are needed, at least in part, to permit lawful ticketing.

Among the available options regarding a past due clause are penalty enforcement after 48 hours, penalty enforcement after five days, a uniform penalty irrespective of fine, and split penalties based upon fines.

The 48 hour penalty enforcement would have the advantage of retaining the present requirement for payment, only tacking on a monetary penalty for delinquencies. This would probably have the greatest impact and result in the highest proportion of rapid payment of fines, yet it also results in the severest and quickest penalty. Depending on the cost of the penalty, once the penalty is invoked, collection might be impeded due to excessive cost.

The five day option permits more time in which to raise (or spread out) payment, yet probably would not result in as great a proportion of rapid payment as the 48 hour period. Indeed, the five days might actually go beyond a critical period for remembering to submit payment of the fine, and actually allow a "forgetting" period. If this is the case, the five day option in reality would be more severe than a shorter period. Again, depending upon amount of the penalty, collection after the time lapse could be made more difficult.

A uniform penalty option -- meaning that the amount of the penalty be independent of the amount of the fine -- first was proposed during the drafting of the new ticket format at \$5 per ticket, but was opposed as exceeding the fine itself for \$2 tickets. A uniform \$2 penalty has not been proposed, but is not illogical from the standpoint of processing costs being identical whether a ticket is for meter violations or illegal parking.

A split penalty option places graver consequences for delinquency on violations according to the amount of fine, which itself reflects the gravity of the violation.

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Enclosed with this report is a reproduction of the redrafted ticket (in uncorrected form), along with a copy of the present ticket for comparison.

